

COUNCIL

Agenda # _____

MEETING OF July 22, 2003



STAFF REPORT

Vacating an Existing Public Utilities Easement and Acquiring an Easement in Exchange thereof on Property at 2440 Carlmont Drive – APN 045-031-010

July 22, 2003

Honorable Mayor and City Council:

Summary

The Jewish Community Center (JCC) requests that the City accept a new public utilities easement and vacate an existing easement for a storm drain utility crossing the parking lot on the south side of the property. This request is made to allow SummerHill Homes to begin to realign and upsize the pipe prior to their expected property purchase this August. Upsizing the pipe now will allow SummerHill Homes to file a Letter of Map Revision request with the Federal Emergency Management Agency (FEMA) to remove the parcel from the designated 100-year flood plain on the Federal Insurance Rate Map. It also allows them to complete the work ahead of the grading for the subdivision.

Background and Discussion

The City approved the Vesting Tentative Map for the Cambridge subdivision at 2440 Carlmont Drive on June 25, 2002 and the Planning Commission granted SummerHill Homes, the developer, a one-year extension of their conditional use permit on May 6, 2003. SummerHill is currently preparing and submitting building plans and the final subdivision map for the development. They want to complete storm drainage improvements under a City encroachment permit this summer to expedite their development project. The storm drain must be completed before they can begin grading the site.

SummerHill Homes anticipates closing escrow to purchase the property from the Jewish Community Center on August 26, 2003. The Jewish Community Center has agreed to allow SummerHill Homes to start construction on a major storm drain utility before the close of escrow and will apply for an encroachment permit on their behalf. The City requires a new public utility easement for this storm drain because the reconstructed pipe will be in a new alignment.

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Therefore, the Jewish Community Center is requesting that the City accept the new easement and vacate the former easement. All easement will also be shown and dedicated on the Final Subdivision Map.

The storm drain improvement consists of rebuilding the existing headwall where Belmont Creek enters a storm drain under the Jewish Community Center parking lot and replacing 270 of existing 48-inch diameter concrete pipe with 72-inch diameter pipe in a new alignment along the south side of the property to Carlmont Drive. SummerHill Homes is moving the pipe from under their proposed town houses to a proposed private street. They are upsizing the pipe to increase its capacity to remove the 100-year flood plain designation from the parcel.

Fiscal Impact

There is no fiscal impact from this action.

Recommendation

It is recommended that the City Council approve the resolution vacating a portion of an existing sewer easement and acquiring a new sewer easement at 2440 Carlmont Drive.

Alternatives

1. Refer back to staff for further information.
2. Deny the request.

Attachments

1. Resolution
2. Grant Deed
3. Certificate of Acceptance

Respectfully submitted,

Kathleen Phalen
Acting City Engineer

Raymond E. Davis III, PE, PTOE
Public Works Director

Jere A. Kersnar
City Manager

RESOLUTION NO. _____

**CITY OF BELMONT
San Mateo County, California**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT VACATING
AN EXISTING PUBLIC UTILITIES EASEMENT AND ACQUIRING AN EASEMENT
IN EXCHANGE THEREOF ON PROPERTY AT 2440 CARLMONT DRIVE,
APN 045-031-010**

WHEREAS, the Jewish Community Center desires to relocate and upsize a section of the City's storm drain carrying Belmont Creek across their property at 2440 Carlmont Drive, APN 045-031-010; and,

WHEREAS, the Jewish Community Center desires to grant the City a new public utilities easement for the relocated storm drain; and,

WHEREAS, City staff have reviewed the plans for the storm drain improvement and the legal description of the new easement and find them acceptable for issuance of an encroachment permit; and,

WHEREAS, the City of Belmont has agreed to vacate that portion of storm drain easement no longer required after construction of the new storm drain; and,

WHEREAS, the City of Belmont and the Jewish Community Center have agreed to the exchange of easements required in the relocation of this sewer main.

NOW, THEREFORE BE IT RESOLVED, that:

1. The Jewish Community Center, owner of property at 2440 Carlmont Drive, in the City of Belmont, County of San Mateo, State of California hereby grants to the City a 15-foot sanitary sewer easement as described in Exhibits "A" and "B" attached hereto, said parcel of land further described as APN 045-031-010 as shown as Lot 1, Marabel Subdivision, Record of Survey Map 57/27.
2. The City of Belmont shall abandon that portion of easement no longer required after construction of relocated sewer main; said easement being that as more particularly described in Exhibit "C" attached hereto.
3. The parties hereto shall execute and record the Grant Deed attached hereto as Exhibit "A" and "B" (legal description and plot map) and the City shall execute and record the Resolution Vacating the Easement as described in Exhibit "C" attached hereto.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on July 22, 2003.

AYES, COUNCIL MEMBER(S): _____

NOES, COUNCIL MEMBER(S): _____

ABSENT, COUNCIL MEMBER(S): _____

ABSTAIN, COUNCIL MEMBER(S): _____

City Clerk, City of Belmont

APPROVED:

Mayor, City of Belmont